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INVESTIGATOR'S REPORT ON APPEAL OF ADMINISTRATIVE FINE

CASE NUMBER COD2004-00228
CASE NAME Patterson
APPEAL DATE December 27, 2004
INVESTIGATOR Greg Camack

Case initiated: Complaint

First viewed: October 28, 2004
Violation seen from: Baron Way and Debonair
Entry necessary? No
Entry explanation: N/A

Violation(s) confirmed and letter sent on December 7, 2004 requesting compliance on violation of County Code.

SLOCC 22.52.040 Grading Permit required
SLOCC 22.01.080 Penalty for Violation
SLOCC 22.52.040 d Correction to Hazardous Condition. (Erosion Controls Required.)

Description of violation:

On October 26, 2004, staff received a telephone complaint that grading had occurred for road improvements on Baron Way from the intersection with Debonair. The complainant questioned whether or not permits had been issued, as some of the grading work done had encroached approximately 15-20 feet into the complainants' property and he had not authorized any improvements onto his property. The complainant further indicated that there was a severe erosion problem due to the design of those improvements and lack of Erosion and Sedimentation Controls.

On October 28, 2004, I viewed the grading work while driving and standing on Baron Way and from the intersection with Debonair. I saw the reported road improvements, noting that there was an approximate 15' - 20' deep "Fill" approximately 30 or more yards in length, no recognizable Erosion Control Measures in place (with heavy erosion in progress) and a new private driveway with a small culvert installed, onto Baron Way from the Patterson residence currently under construction via permit # PMT2002-14238. This permit does not include any grading authorization. (Photos taken)

Staff contacted the Pattersons, who admitted that they were responsible for the road improvements, saying that they had hired Dave Spurr Excavating to grade their site for the new residence as well as for the road improvements required by CDF. Mrs. Patterson admitted that there were no permits issued or applied for, saying that neither the Contractor for their home, Dave Spurr, nor their agents ever mentioned that one would be required.

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On November 24, 2004, I called and spoke with Dave Spurr, D.B.A. Dave Spurr Excavating, Inc. State Contractors License # 708343. During this conversation, Mr. Spurr admitted that his company was hired by the Pattersons and was responsible for the work done to both the Patterson's' building site as well as the road improvements leading from the intersection of Baron Way with Debonair, to just beyond the new driveway installed for their home at 8170 Baron Way. Mr. Spurr also told me that he was not specifically aware of any issued permits for this job.

After a thorough investigation and based on conversations with the Pattersons, Department of Planning and Building area inspector(s), Department of Public Works staff and Mr. Spurr, along with site inspection(s) with photographic evidence taken, it was determined that a grading permit would have been required prior to any of the site work being started, (work included a fill depth of greater than 3', moved soil in excess of 50 cubic yards and unknown cut depth into hillside at intersection at Debonair) and that the Pattersons contracted with and/or hired Dave Spurr Excavating, Inc., a licensed professional to complete the project(s).

Based on Administrative Fine Standards, Dave Spurr Excavating, Inc. (Dave Spurr) a licensed professional, was issued an Administrative Fine in the amount of \$500.00 due to willfulness of the violation (Grading without issued permit), fiduciary gain and irreparable environmental damage.

Was compliance achieved by due date?
Was extension given or asked for?
Was Fine mailed or delivered in person?

In Progress.
Permit process in progress by property owner.
Mailed, Standard and Certified.

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DEBONAIR

SITERS

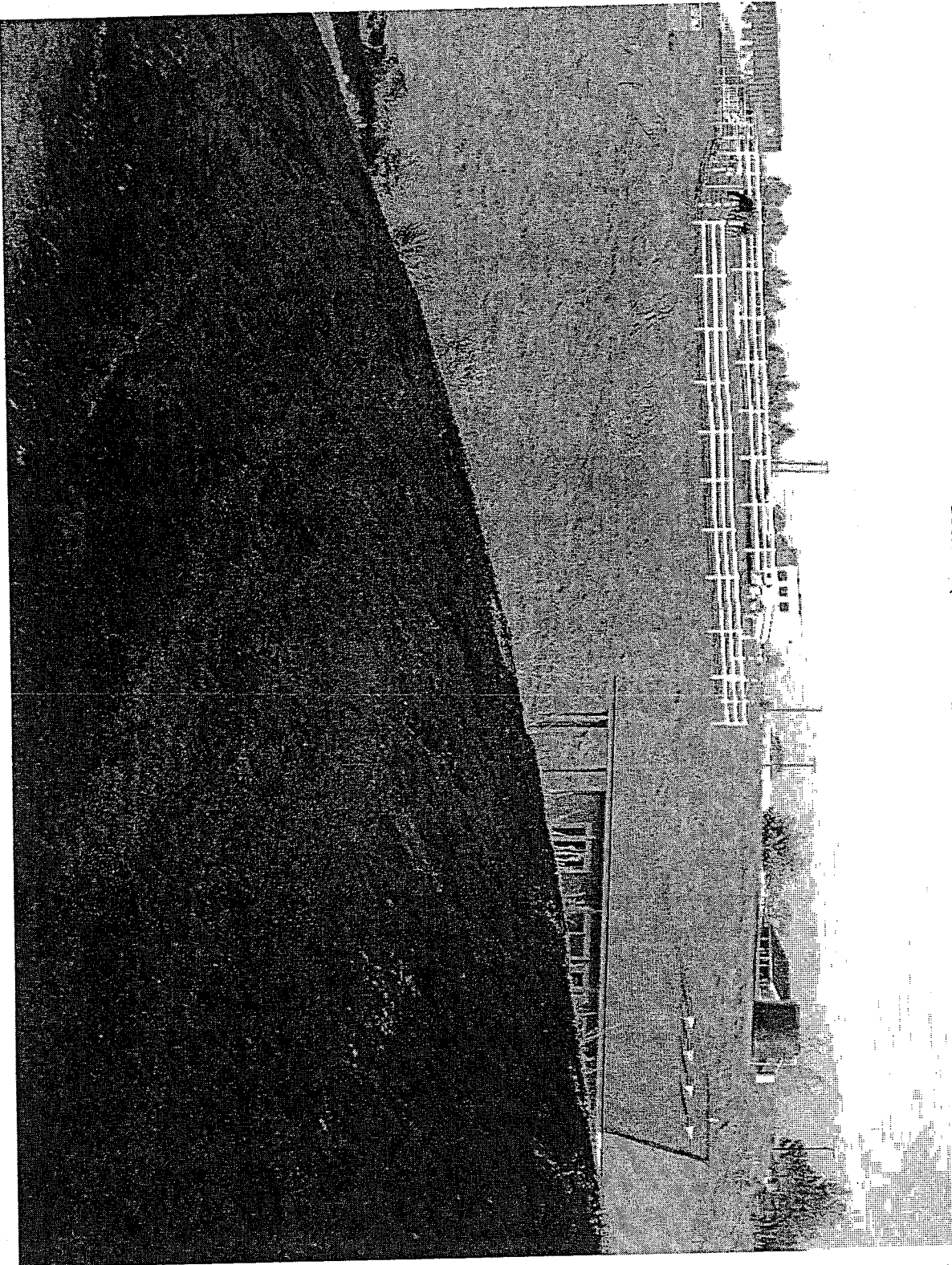
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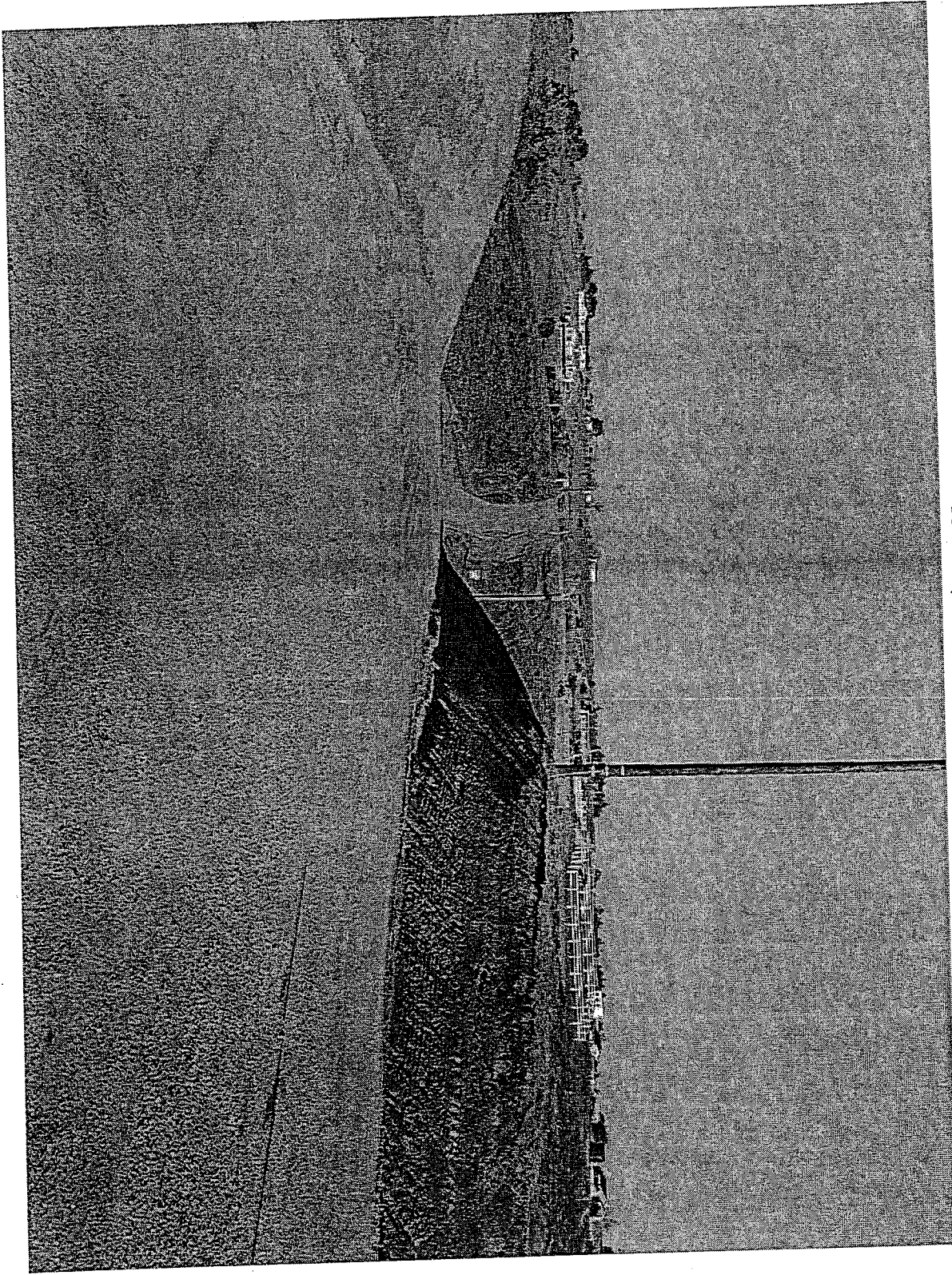
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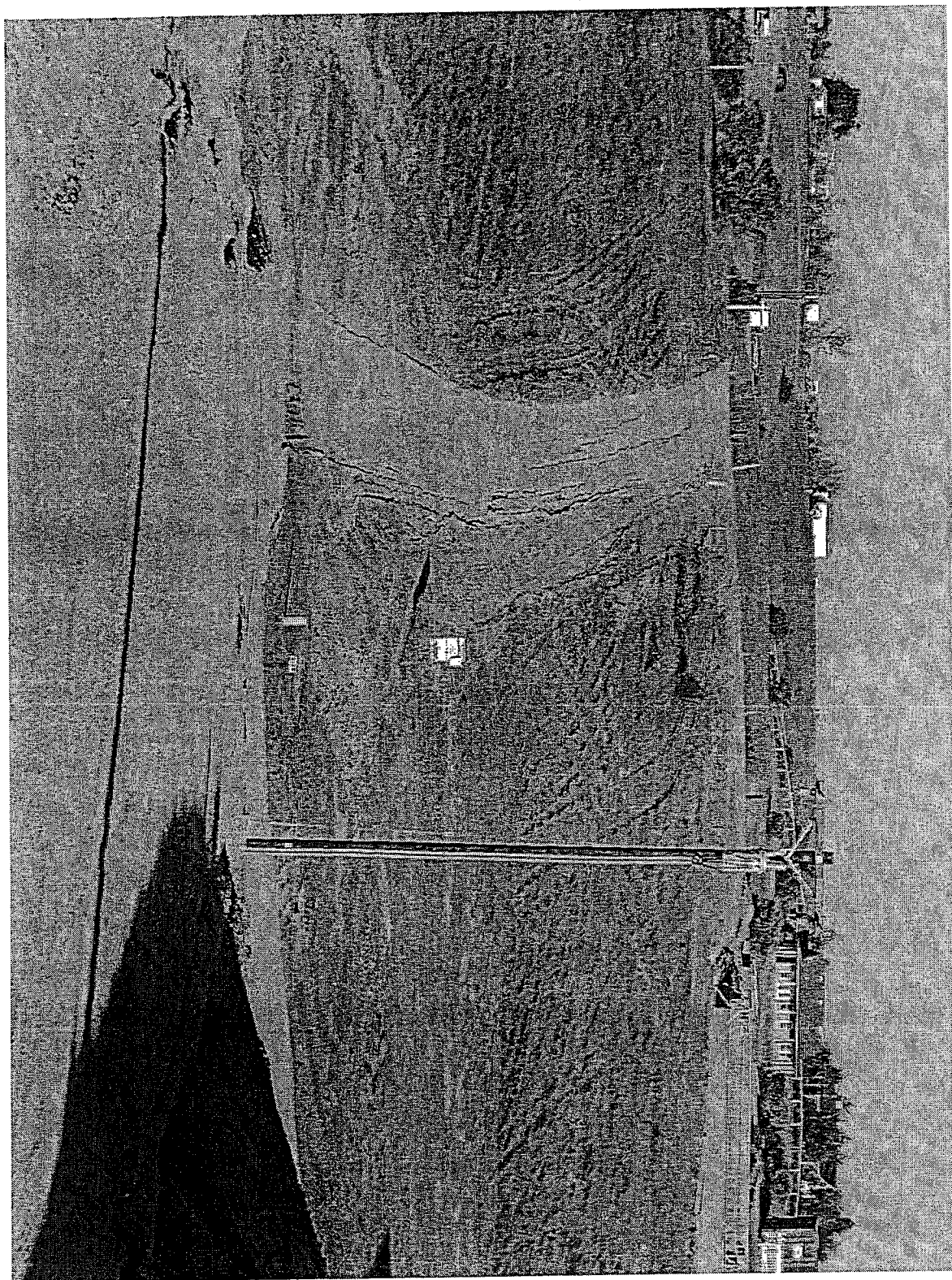


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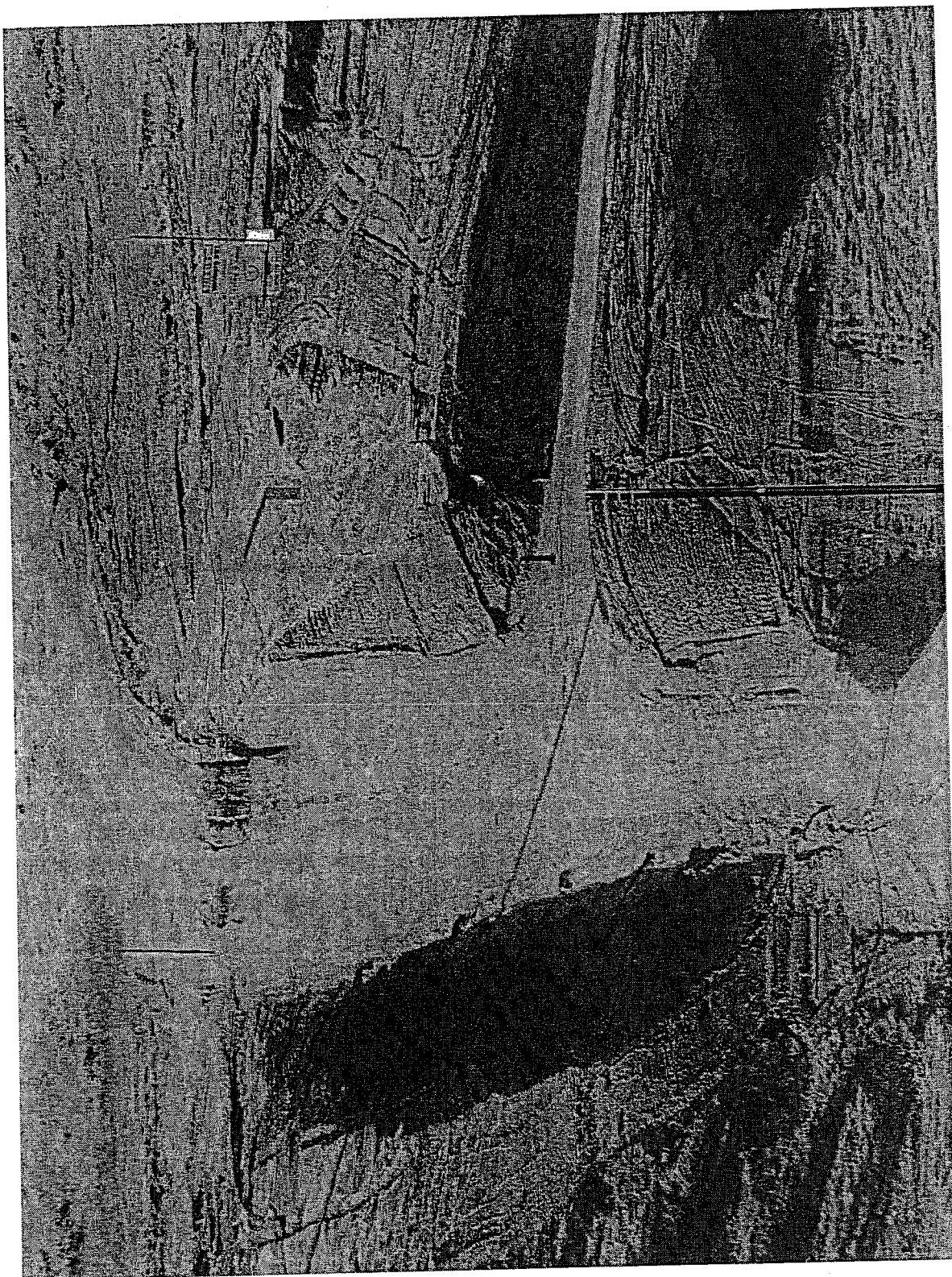
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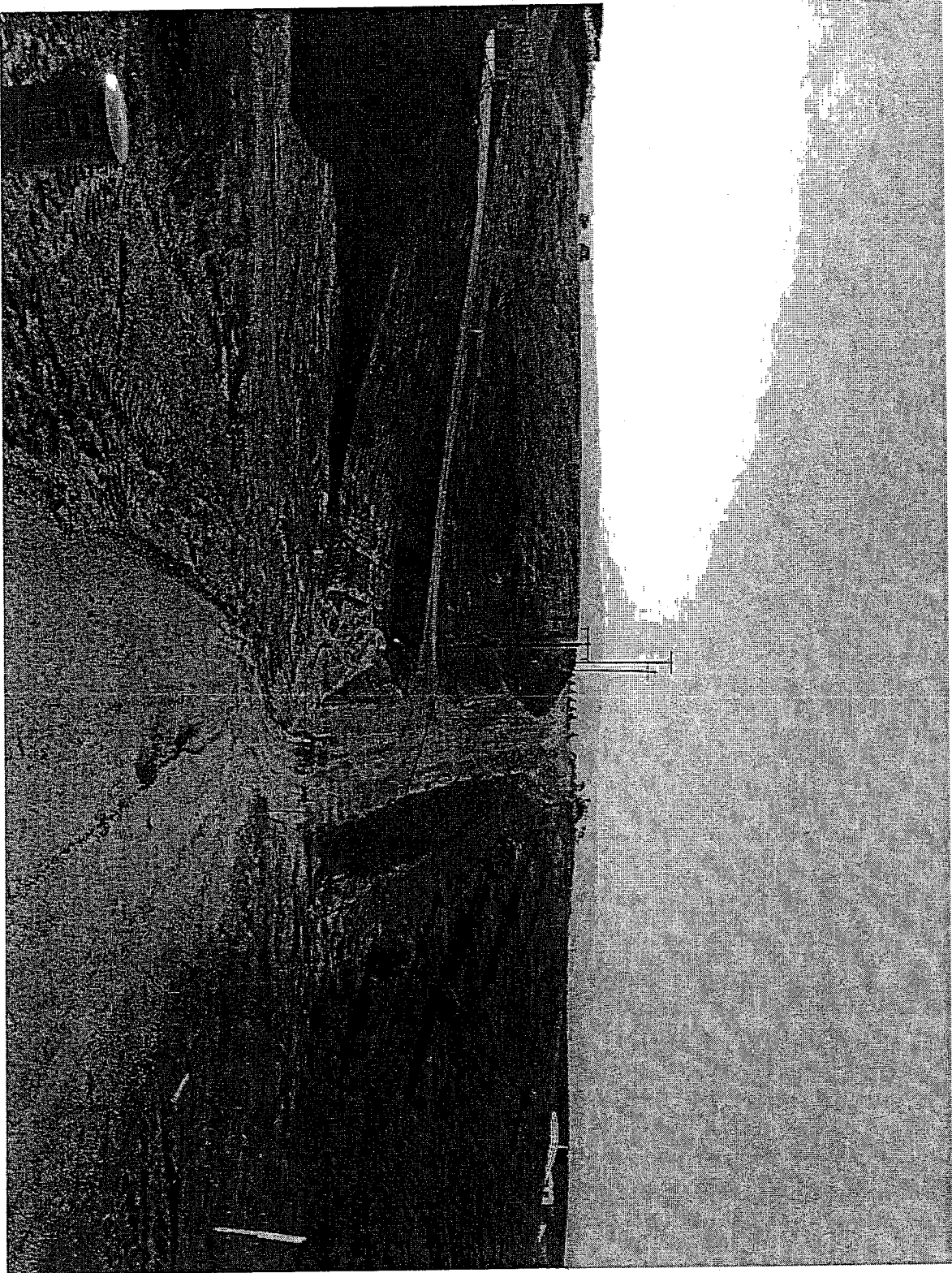
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